

APRIL – JUNE 2016

Planned Police Operations



All planned police operations for 30 months where death or injury occurred were conducted in breach of the JCF Use of Force Policy. A study of these operations, tells a tale of routine disregard for internal policies and protocols. Our 2014 report to Parliament, *Command Responsibility for the Use of Force*, was the first report on this matter. In that report the Commission announced that it would be conducting post-incident assessments of the police commanders. This report is on the findings from those assessments.

It remains apparent that a significant number of deaths occurred during police operations which were evidently planned to execute search warrants or arrest warrants or effect the arrest of persons other than by warrant.

Police shooting incidents are identified by two overarching descriptors, either 'spontaneous' or 'planned'. The planned police operation is identified as one where there has been sufficient time and consideration given to the police operation and the tactics to adopt. This is opposed to the often chance, random and sudden encounter with gunmen by single or patrolling officers - the spontaneous event.

In *Command Responsibility for the Use of Force* the Commission detailed the need for commanders to carefully plan and execute police operations to minimise, to the greatest extent possible, the use of deadly force. But without true accountability of the conduct of these commanders, this requirement will be rendered illusory.

**“Injustice anywhere is a threat to justice
everywhere.”**

Dr. Martin Luther King Jr.

Table of Contents

In This Edition of The IQ ----- 4

FEATURE ARTICLE ----- 1&5-7

PART ONE

Complaints

- New Complaints by Category ----- 8
- Incident Response ----- 9
- Security Force-related Fatalities – List ----- 10-11
- Shooting Incidents - Nature of Incidents/By Parish/Incident Distribution ----- 12-13

PART TWO

The Legal Department

- Legal Department – Commission's Reports ----- 14
- Nature of Completed Reports ----- 14
- Recommendations ----- 15-39
- Arrests and Charges ----- 39

PART THREE

Lessons Learnt

- Right to Life and Security of Persons while in Custody ----- 40-41

PART FOUR

Public Information

- Meetings: Security Forces and INDECOM ----- 42
- Outreach - JCF ----- 42
- Press Releases ----- 42

IN THIS EDITION OF THE IQ

PLANNED POLICE OPERATIONS – BRIEF STUDY

The Commission observed routine breaches of the JCF's Use of Force Policy in relation to planned police operations. To that end the Commission has been examining planned police operations where fatalities occurred, with particular focus on the Mobile Reserve Unit. It was concluded that an overwhelming number of the operations conducted are done so in a manner that breaches the JCF's Use of Force Policy. Further, it was observed that most of the planned police operations were staged to execute search warrants or arrest warrants. Internally, and for the purpose of the review, police shootings are categorised as occurring during a planned police operation or "spontaneously" with the difference being that in planned operations sufficient time and consideration is given to the operation in terms of tactics to be adopted; while spontaneous shootings are quite the opposite. This section of the Commission's second quarterly report will explore these situations in more detail and discuss the policies in the JCF which speak to them.

PART ONE: NEW COMPLAINTS

The Commission received 224 new complaints for the period. The top five complaints include incidents of assault (84), discharge of firearm (44), fatal shooting (26), shooting injury (17) and conduct unbecoming (13). It should be noted that all, except for the allegation of conduct unbecoming, are always the most common complaints.

The Commission's Investigative Teams and Forensic Unit responded to 116 incident scenes for the period, with April being the most active month. The nature of the incident scenes attended were predominantly fatal shootings, shooting injuries and discharge of firearms. There were four (4) incidents of death in custody for the period.

In relation to parishes, the parishes of St. Thomas, Hanover, St. Ann, Manchester and Portland had no fatalities for the period. The parishes of St. Elizabeth, St. Mary, Trelawny, and Clarendon recorded one (1) each. St. James and Westmoreland recorded three (3) each, while St. Catherine recorded eight (8) and Kingston & St. Andrew 15.

All parishes had complaints, both fatal and non-fatal, with Kingston and St. Andrew recording 86 complaints and Portland and St Thomas recording the least with three (3) each.

PART TWO: THE LEGAL DEPARTMENT

In the Legal Department, 70 Commission's Reports were completed and distributed. The nature of these files range from assaults (32) to fatal shootings (16), discharge of firearm (1) and corruption (1). The recommendations for the cases completed are listed in this section. Five (5) members of the Jamaica Constabulary Force were arrested and charged during the period. The related list is included in this section.

PART THREE: LESSONS LEARNT

The Lessons Learnt section of this report focuses on the care and protection of persons in custody. The principles that exist in Jamaica and international best practices are explored in the context of suicide and other forms of self-harm and the State's role in ensuring care and protection in both scenarios.

PART FOUR: PUBLIC INFORMATION

The Commission's Senior Management Team in the Operations Unit had three (3) meetings with members of the JCF High Command to include the Inspectorate of Constabulary for the period. The matters discussed included specific fatal shooting cases, the Arrest Policy and death in custody.

Representatives of the Commission participated in several awareness exercises equaling 672 man hours for the period.

The Public Relations Unit issued 16 press releases for the period. The titles of these releases are listed in this section. The press releases can be viewed on our Facebook page.

Continues from Front Page...

MAIN FINDINGS

NB: In 2013, there were 51 planned police operations where persons were injured and in 2014 and 2015, there were planned operations with multiple deaths.

The Questionnaire

Since January 2015 INDECOM has employed a questionnaire as the prime assessment tool to examine, in further detail, the planning, command and control of police operations. The aim is to determine the extent to which the planning and execution was compliant with the JCF's Use of Force Policy.

The JCF's Use of Force Policy identifies some key principles, namely:

106. The principle of upholding the 'right to life' should be central to all armed operations, hence proper planning is essential.

109. The planning of armed operations requires attention to detail to ensure that the operations are undertaken safely and appropriately....."

112. Plans should be subject to constant review. Intelligence updates may lead to variations in the assessed level of threat which will, in turn, require the modification of the plan...all plans should be recorded, this will include consideration of options rejected or progressed together with the reason why such conclusions were drawn and by whom.

The questionnaire developed by INDECOM is drawn from specific elements of the JCF policy, which are pertinent to planned operations. The nine (9) key themes enquired of by INDECOM are:

1. Police records seen that concerned officers are appropriately trained and equipped
2. Documentary evidence produced that concerned officer permitted to carry firearm and/or issued firearm
3. Police records show appropriate command structure of planned operation or response to incident
4. Prompt medical assistance was provided
5. Appropriate documented plans seen
6. Incident reported to INDECOM in timely fashion
7. INDECOM was consulted before debrief
8. No obstruction to INDECOM taking charge of scene and exhibits
9. Scene protected by JCF

Over 1/3 of Fatalities from Planned Ops:

Data encompassing the period 1 Jul, 2013 - 31 Dec, 2015 (thirty months) shows the total number of fatal shootings and the corresponding number of planned police operations, in which persons have been killed. In the 30 month period the Commission has recorded 340 deaths. 124 fatalities (36%) arose from 125 planned police operations. The pattern of over one-third of all fatal shootings arising from planned police operations is a relatively constant figure when data is examined over a range of different data sets and time periods.

Table 1. Period: 30 months. 1 July 2013 to 31 Dec 2015 shows that 36% of all fatal shootings occurred from Planned Ops.

Category	2013 01/07 - 31/12	2014	2015	Total
All Fatalities	124	115	101	340
Planned Operations where death and injury resulted	51	36	37	124
Number of Fatalities occurring in Planned Operations	49	38	38	125 (36% of all fatalities)

Dynamic entry continues to be the preferred tactic:

It remains the position that the JCF's operational tactic of dynamic entry results in a disproportionate number of police-related fatalities. The tactic and requirement for officers to enter a room in a building for which there are no plans, limited or no lighting, nor intelligence or information on what is behind the door, exposes both officers and other persons to needlessly high risk.

All the available guidance and police firearms manuals have been unambiguous - **that making entry to premises to arrest potentially armed suspects is amongst the most dangerous of armed policing operations and should only be contemplated as a last resort.** Further, such attempts should only be made after a specific analysis of all information and all options.

This report now examines in further detail the 15-month period 1 Jan, 2015 - 31 March, 2016. It particularly examines all the planned operations undertaken by the Mobile Reserve during which fatalities occurred and provides commentary and analysis of the data.

Commanders are routinely disobeying JCF Policy:

In only one planned police operation where death occurred did JCF commanders have a recorded plan. This single plan was itself deficient as it did not display any steps to minimize the risk of death or injury as is required by the JCF's Use of Force Policy. Thus JCF commanders breached their own Force Policy in 100 per cent of these operations.

The relevant sections of the JCF Use of Force Policy which deals with planning, since the policy seeks to enshrine the Right to Life principles:

110. *In order to discharge this duty of care and to comply with human rights principles the operation must:*

- a.** *have a legitimate aim*
- b.** *be lawful*
- c.** *be proportionate*
- d.** *be justified*
- e.** *be the least intrusive or damaging to the rights of individuals.*

111. *Firearms operations must be planned and controlled so as to minimise, to the greatest extent possible, the need to resort to potentially lethal force (i.e. it must be strictly necessary).*

113. *All plans should be recorded, this will include the consideration of options rejected or progressed together with the reasons why such conclusions were drawn and by whom.*

127. *a command protocol will identify:*

- a.** *the desired outcome of the operation*
- b.** *who is responsible for achieving each of the aims*
- c.** *who is responsible for minimising each risk identified*
- d.** *who controls each of the resources*
- e.** *who commands each separate geographic or functional area (if appropriate)*
- f.** *how the individual aims are dependent on each other*
- g.** *what instigates the transfer of command from one commander to another? This should include how this is defined, communicated and recorded.*

128. *All tactical options for resolving the situation require to be considered. Documentation of*

tactical options should include those options that were discounted, as well as the approach to be adopted, the reason for selecting and discounting the various tactical options. All such records should be dated and timed.

130. *All decisions and policy considerations should be recorded in a Command Log/Incident Record. The records will assist in any subsequent enquiries.*

INDECOM's assessment has revealed strong non-compliance with the JCF's policy. Of the 124 planned ops where death occurred, 123 had no plans.

The single recorded plan was presented arising from all the planned operations examined. Whilst that plan sought to demonstrate and account for some of the factors which could possibly lessen the risk to life, it did not provide any tactical options, other than dynamic entry. It cannot be said that the commander was minimising risk to life.

The common response regarding the absence of written plans is that they were provided "orally", or by way of "verbal briefing given".

With regard to the Mobile Reserve, no written plan was presented for any of the planned police operations in which the nineteen (19) fatalities occurred. It would be especially expected to receive such documents from this specialised police unit.

The recording of plans provide for real scrutiny of command as required by our Constitution¹. The lack of written plans reinforces the public mistrust and suspicion regarding these operations in which men are killed. Documented plans hold leaders to account but it is apparent the culture remains that the JCF policy is not being implemented. This is unbecoming for a modern professional police force.

The possible motives behind these failures to provide written plans were articulated at INDECOM's seminar, following the release of *Command Responsibility* with sixty (60) JCF senior Gazetted Officers, on 25 February 2015. One question asked of a working group of these officers was: "What are the barriers to prevent properly documented records of the planned police operation?" The JCF working group identified the following factors: ego, avoidance of accountability, ulterior motives, tradition, sensitive information, magnitude of crime.

The above explanations were an honest, yet unacceptable rationale for the failure of the JCF to give a proper account of the planned police operations.

Analysis of Mobile Reserve fatal shooting incidents:

The Mobile Reserve is a specialised police unit within the JCF which appears frequently at planned policing operations. With its additional training and specialism, a

¹ See *Command Responsibility* pages 19 and 20.

greater awareness of tactics, planning and operational procedures, one would expect to observe **less** fatal encounters than other policing units and **better** adherence to operational policies. This does not appear to be the case. During the examined period, no recorded plans were presented by the Mobile Reserve.

For the 15-month period (1st Jan, 2015 – 31st March, 2016) the Mobile Reserve was involved in 44% of the fatal shootings arising from planned operations.

During the period 1 Jan, 2015 - 31, March 2016 the Mobile Reserve was engaged in eighteen (18) separate shooting incidents. This comprised:

- One (1) non-fatal shooting incident (which was a planned operation).
- Sixteen (16) fatal shooting incidents.
- One (1) shooting incident which consisted of one (1) fatal and three (3) non-fatal injuries.
- Twenty-three (23) persons were killed from the seventeen (17) shooting incidents. Thirteen (13) were planned operations, four (4) were spontaneous incidents.
- Nineteen (19) men were killed during the thirteen planned operations and four (4) men were killed arising out of spontaneous events.

This analysis examines the fourteen (14) planned operations, during which nineteen (19) were killed and one (1) non-fatally injured. Six (6) of the planned operations resulted in double fatalities - 12 deaths. [5 in

2015, 1 in 2016]. The remaining eight (8) planned operations resulted in seven (7) deaths and one (1) injured person [5 in 2015, 2 in 2016].

Eleven (11) of the fourteen (14) incidents occurred within dwellings, largely comprising single, small room structures. In each case the police reports describe a very similar account; namely that of approaching the property, upon calling out, or directly entering, a man or men are waiting inside a house with weapons drawn, they either point or fire at the officers. The police return fire.

No officers were shot or injured. Some reports state the man/men ran from the property.

In the majority of all such cases, there are very few witnesses to provide a different account to that of the police, but they do exist.

In four (4) incidents a female was present. They provide contrary evidence that the deceased did not have a weapon, and the shooting was a one-sided event.

In one incident, (the non-fatal of 31 July 2015) the survivor alleges that a gun was planted on him.

Conclusion

This report was forwarded to the Commissioner of Police and the Police Services Commission on the 17th of May for them to consider the appropriate actions. It was submitted with the names of the responsible commanding officers.

PART ONE

NEW COMPLAINTS

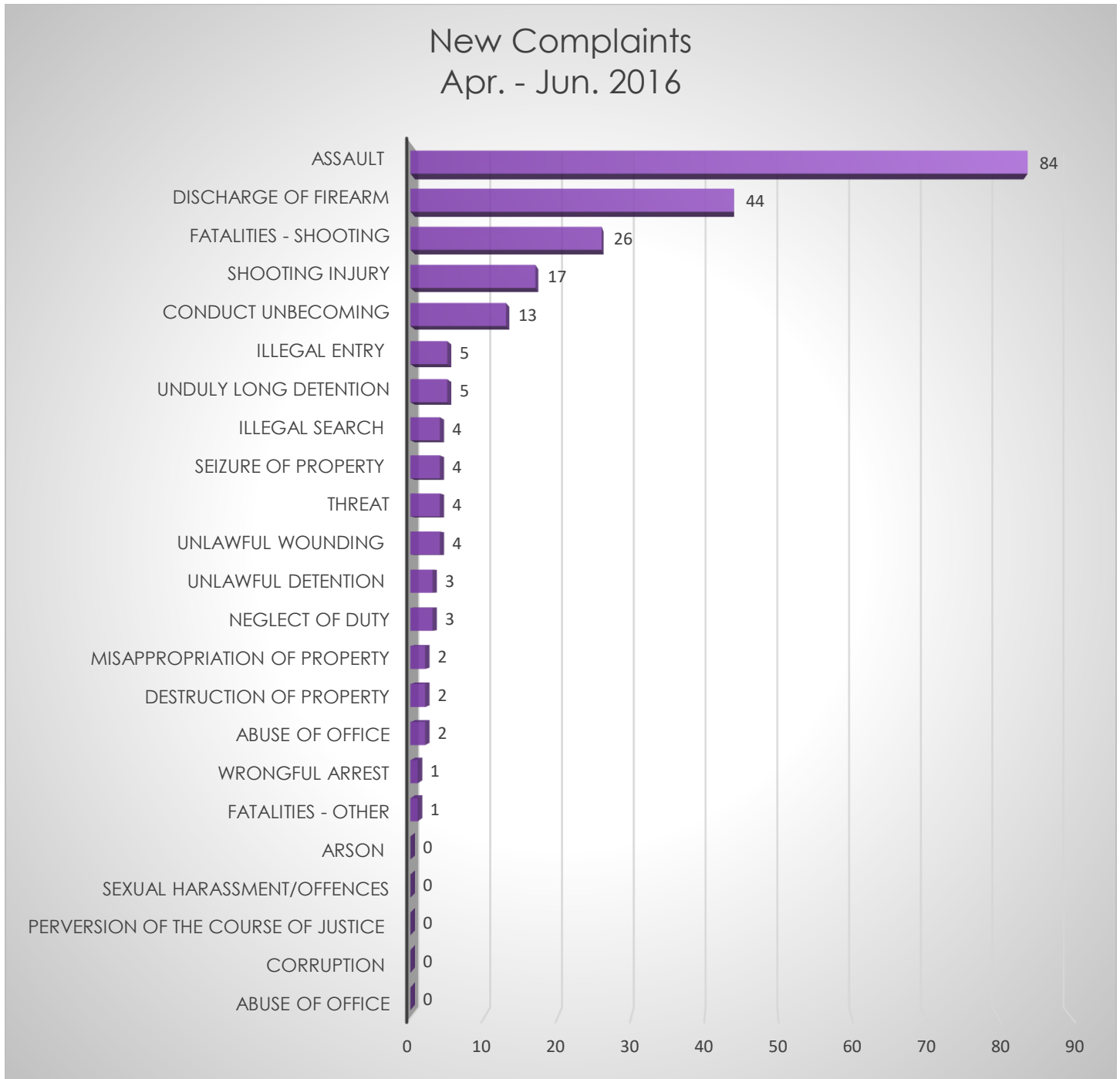


Figure 1: The bar graph shows all complaints in the respective categories received by the Commission for the period of April to June 2016.

INCIDENT SCENE RESPONSE

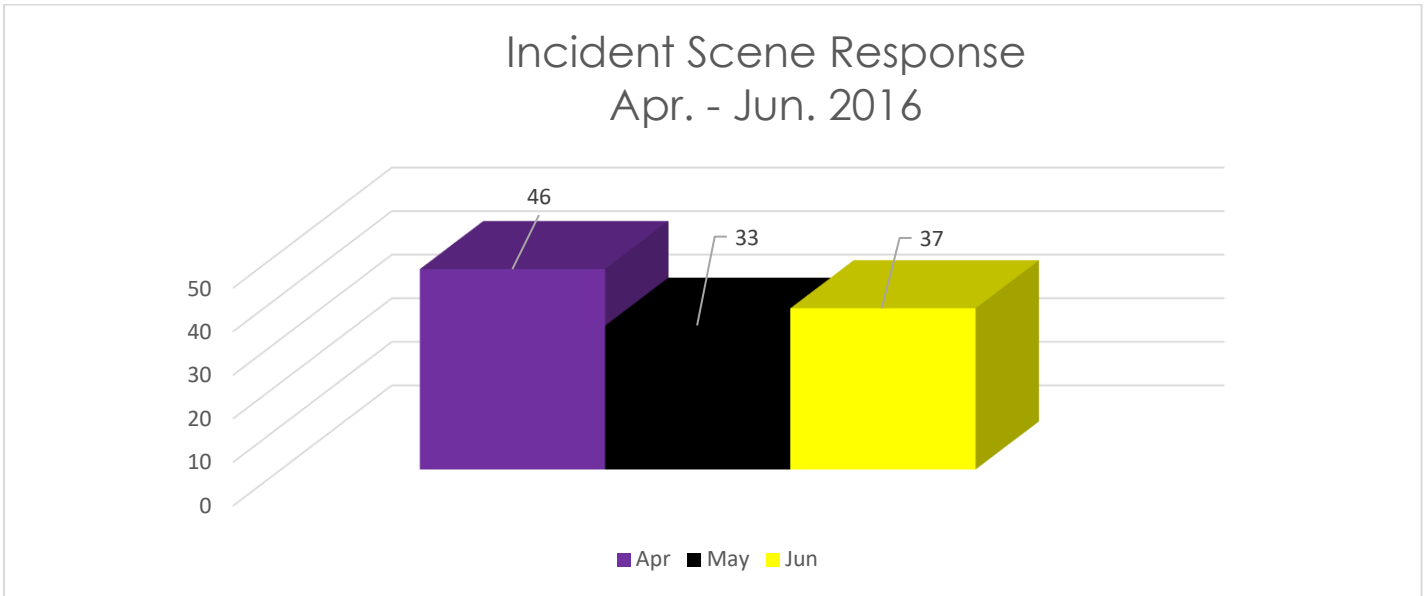


Figure 2: The above figure shows the number of scenes to which the Commission’s Forensic Unit responded for the period of April to June 2016.

NATURE OF INCIDENT SCENE RESPONSE

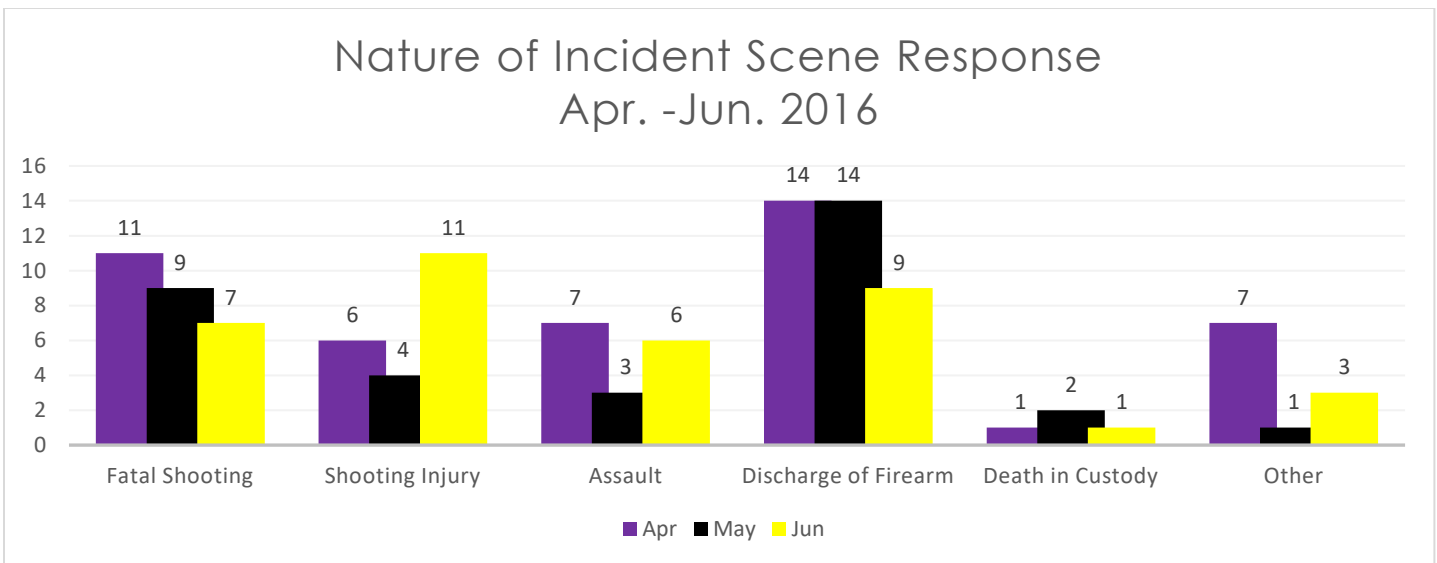


Figure 3: The above graph shows the nature of the incidents to which the forensic unit responded each month for the period of April to June 2016.

SECURITY FORCE-RELATED FATALITIES

JCF – Jamaica Constabulary Force

JCF-OD – Jamaica Constabulary Force Off Duty Officer

JDF – Jamaica Defence Force

DIC – Death in Custody

Date	Name of Deceased	Location of Incident	Related State Agent
		April (12) (DIC-1)	
1-Apr	Ryan BOUCHER	Harris St. Rose Town, Kingston 14	JCF
3-Apr	Denzil CROOKS DIC	Tower St Correctional Centre	DCS
4-Apr	Renaldo FOSTER	5 Wellington St, Kingston	JCF
8-Apr	Shakeen SATCHWELL	Lu's Lucky Supermarket, Great Georges St, Savanna-la-Mar, Westmoreland	JCF
8-Apr	Clive STONE	Lu's Lucky Supermarket, Great Georges St, Savanna-la-Mar, Westmoreland	JCF
8-Apr	Shane NUNES	Lu's Lucky Supermarket, Great Georges St, Savanna-la-Mar, Westmoreland	JCF
9-Apr	Kevin SPENCE	25 Foster Lane, Kingston	JCF
12-Apr	Kirkpatrick LEE	Tobias Rd, Kingston 11	JCF
13-Apr	Jason Timoy FOSTER	Harbour View	JDF
20-Apr	Odane BENNETT	Olympic Way, Kingston 11	JCF
22-Apr	Oneillio BAILEY	College Rd, Montego Bay	JCF
26-Apr	Rohan GARTH	4 Nelson St, Kingston	JCF
30-Apr	Janet MESSAM (Female)	o/s 41 Bond St, Kingston	JCF
		May (9) (DIC-2)	
1-May	Delroy DOYLEY DIC	May Pen PSTN	DCS
5-May	Ricardo FORD	Sam Sharpe Square, Montego Bay	JCF - OD
6-May	Chaniqu McBEAN	Threadlight Dist., Clarendon	JCF
10-May	Jeffrey RICHARDS	Wakefield Dist., Trelawny	JCF
10-May	Stenneth RHODEN	Walkers Ave, Gregory Park, Portmore, St Catherine	JCF
13-May	Nigo SAVAGE, Niko SWIMMER	Gordon Town Main Rd, Gordon Town	JCF
17-May	John HIBBERT	27 James St, Kingston	JCF
27-May	Jamar WALFORD	70 Bond St, Kingston	JCF
27-May	Yska McLeod DIC	St Catherine Adult Correctional Centre	DCS
31-May	Marvin Marcus WALLACE	Commodore, Linstead, St Catherine	JCF

		June (12) (DIC-1)	
2-Jun	Owen SKELTON	West Cumberland, Portmore	JCF- OD
3-Jun	Derval MILLER	3rd St, Trench Town, Kingston	JDF
9-Jun	Ramone and Ramiesh CUMMINGS	33 Denver Crescent, Maverley, Kingston 20	JCF
12-Jun	Milton ALLISON	Heywood Hall Dist., St Mary	JCF - OD
14-Jun	Roshane BAKER DIC	Black River PSTN	DCS
14-Jun	Carlington STEELING, Jermain O'CONNOR, Kemar FRAZER, Javian WATSON	Main Road, Old Harbour Bay, Old Harbour, St Catherine	JCF
16-Jun	Ras Augustus JACKSON	Half-Way-Tree, Kingston	JCF
22-Jun	Kevin DENNIS	Luana Housing scheme, St Elizabeth	JCF
30-Jun	Timoy HARRISON	Cambridge, St. James	JCF

Table 2: The above list presents the names of the civilians who died in security force-related incidents for the period of April to June 2016.

NATURE OF INCIDENTS

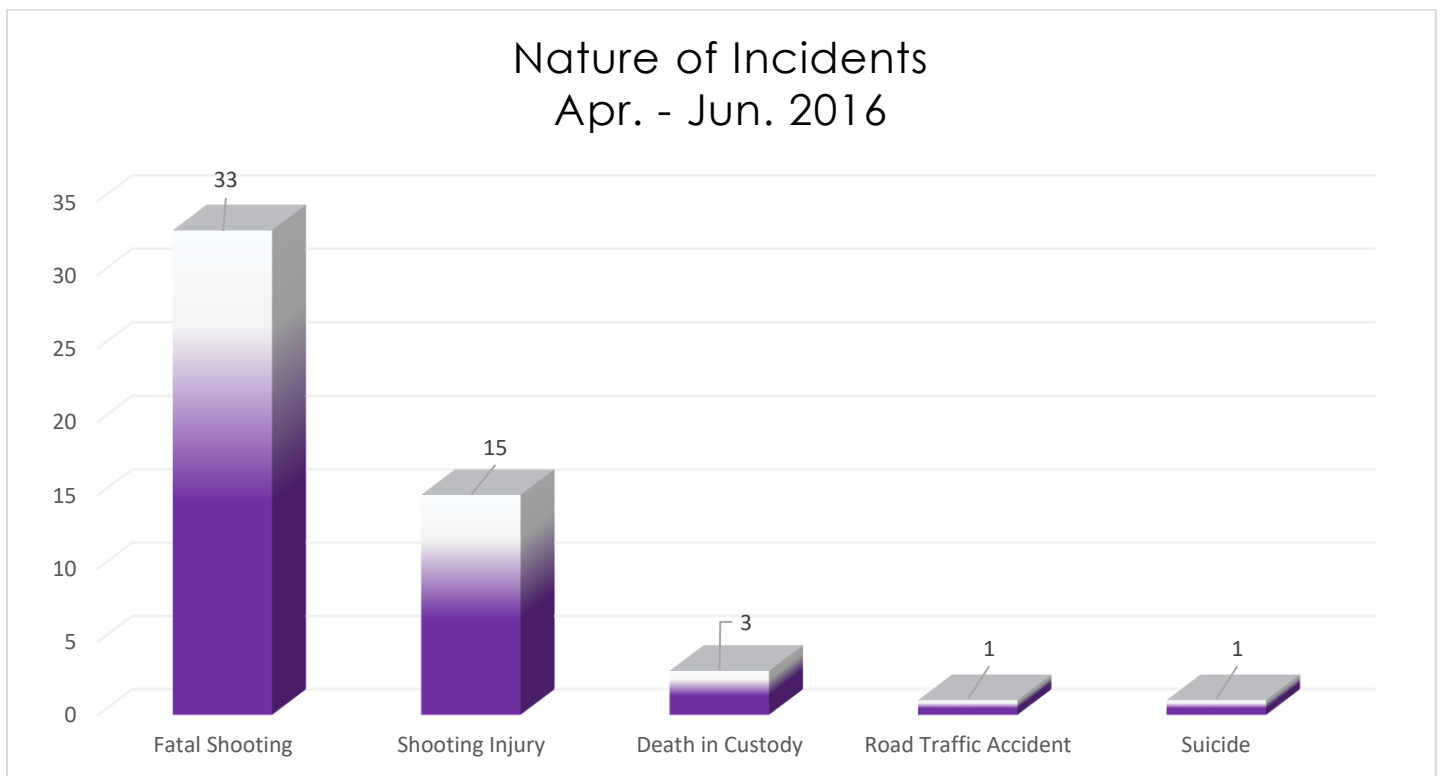


Figure 4: This chart shows the nature of the incidents for which the Commission commenced investigations for the period of April to June 2016.

FATAL SHOOTINGS BY PARISH

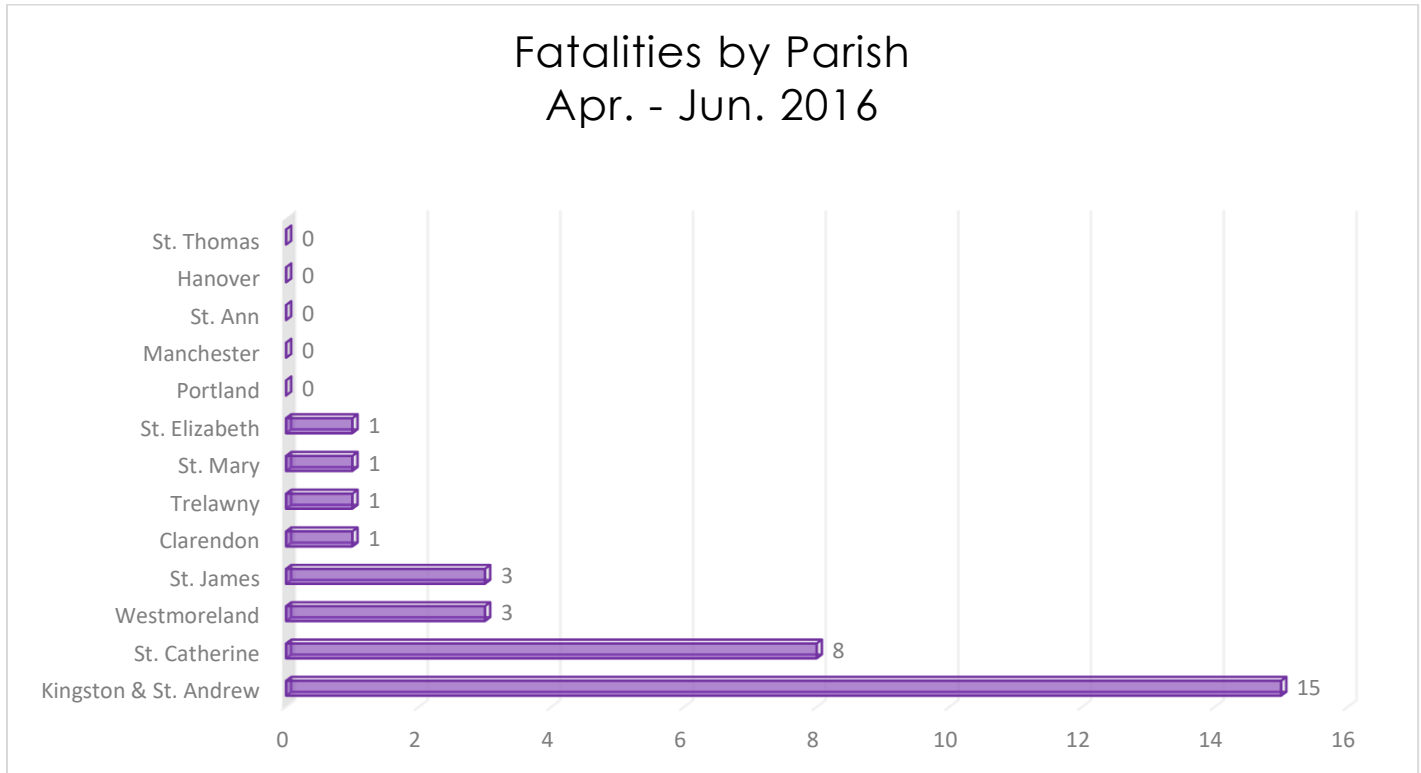


Figure 5: The chart above shows the number of fatalities in relation to parishes for the period of April to June 2016.

FATALITIES BY TEAMS

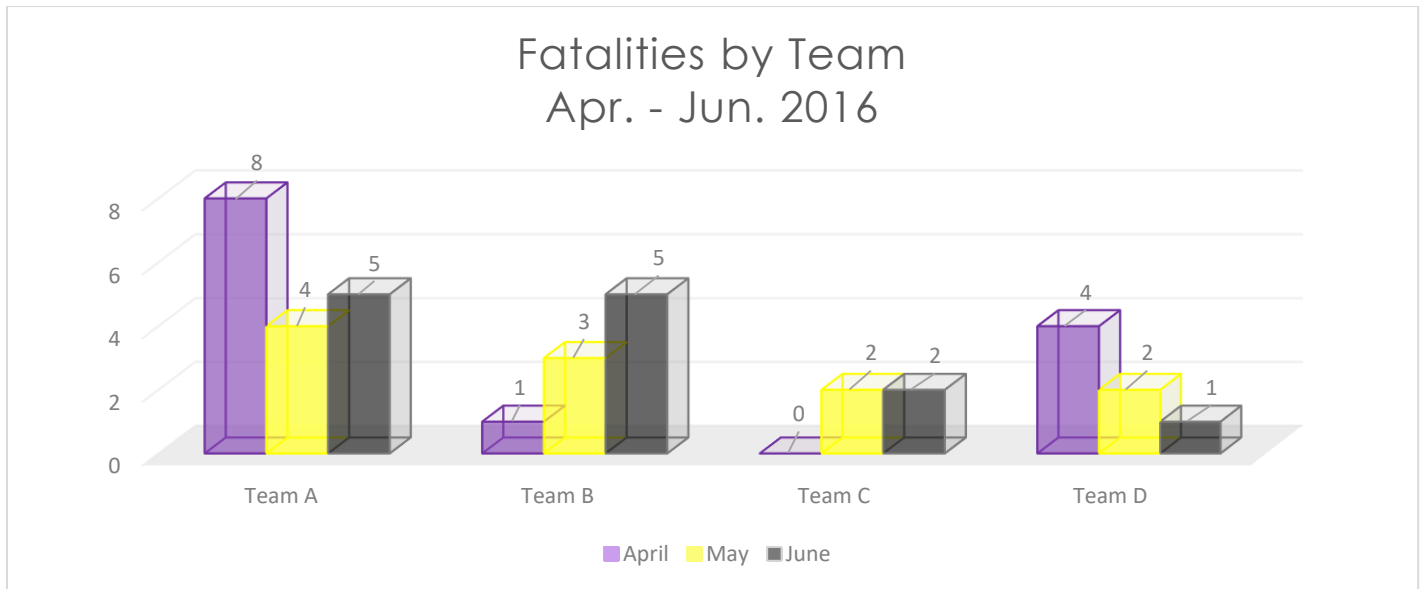


Figure 6: The above graph shows the number of fatalities in relation to the Teams within the Commission for the period of April to June 2016.

FATALITIES BY ORGANISATION

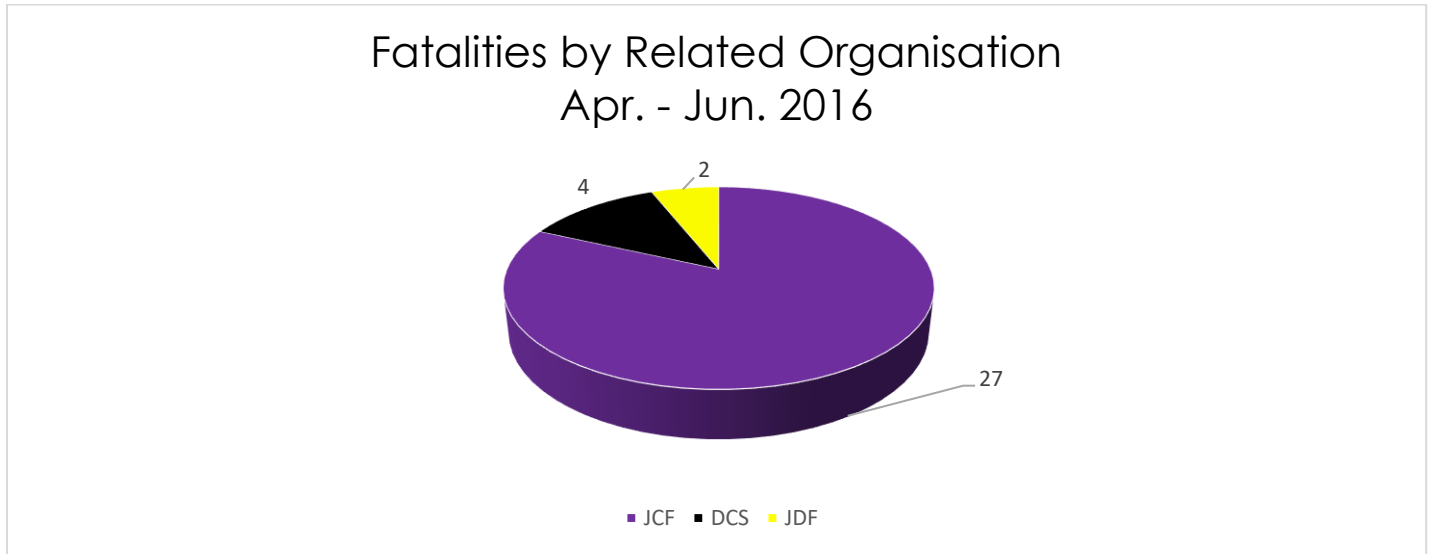


Figure 7: The above pie chart illustrates the State agency to which the fatal shootings recorded for the period of April to June 2016 are related.

COMPLAINTS BY PARISH

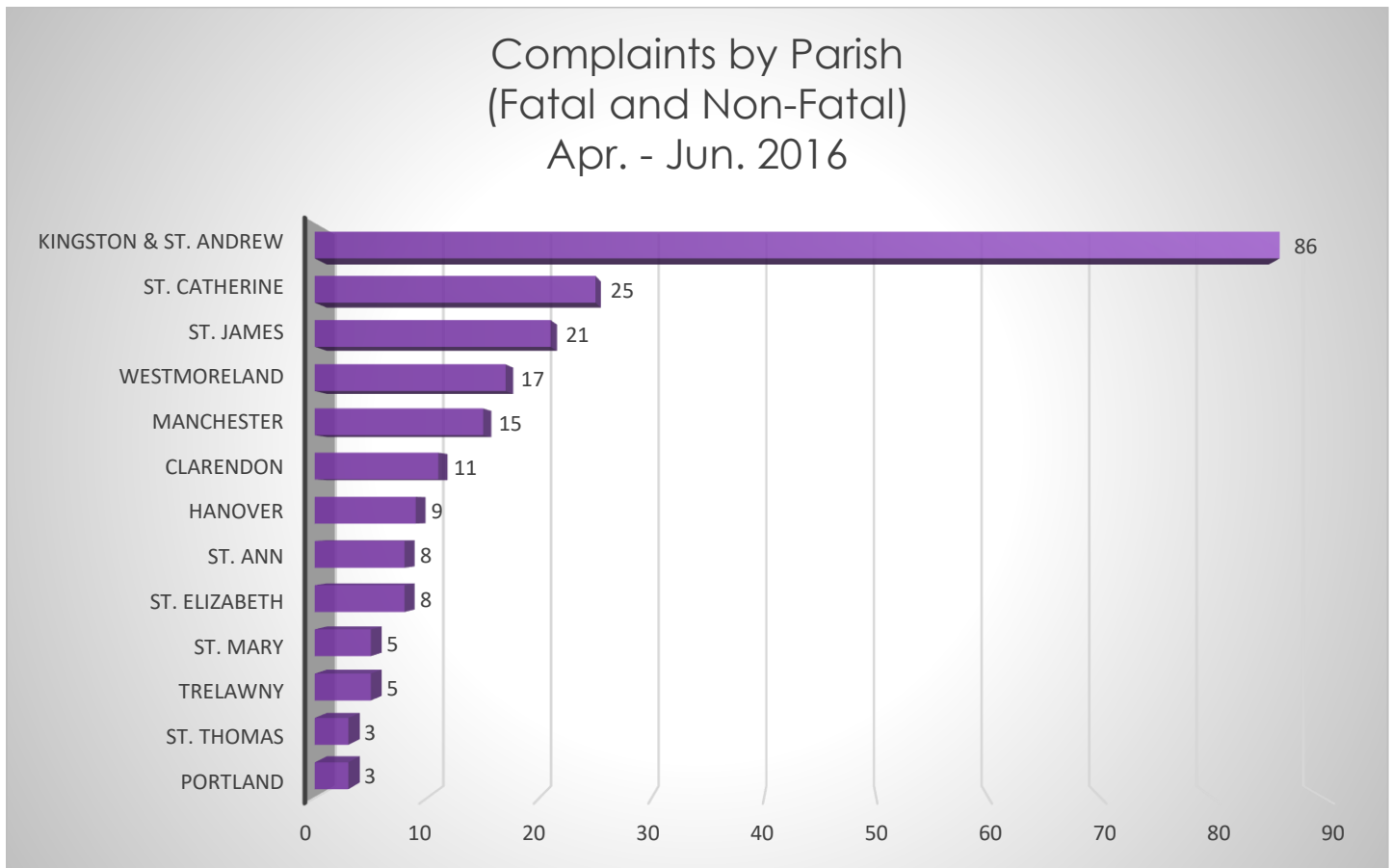


Figure 8: The above graph shows the number of complaints (fatal and non-fatal) related to all parishes for the period of April to June 2016.

PART TWO

The Legal Department

COMMISSION'S REPORTS COMPLETED

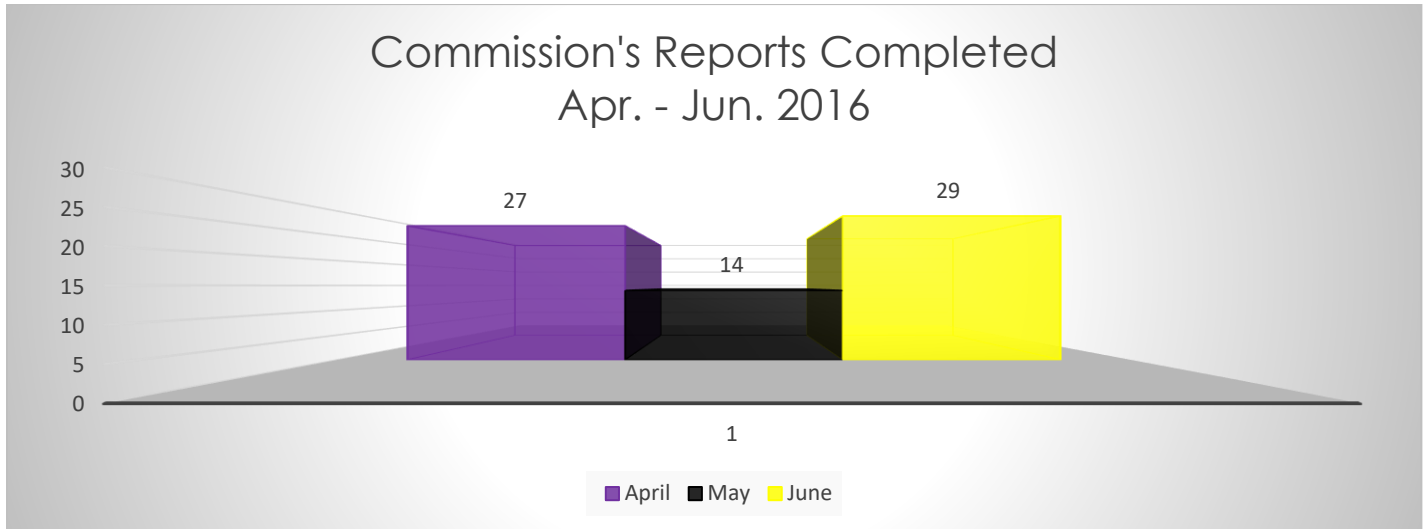


Figure 9: The above chart shows the number of Commission's reports completed and distributed for the period of April to June 2016.

NATURE OF COMPLETED COMMISSION'S REPORTS

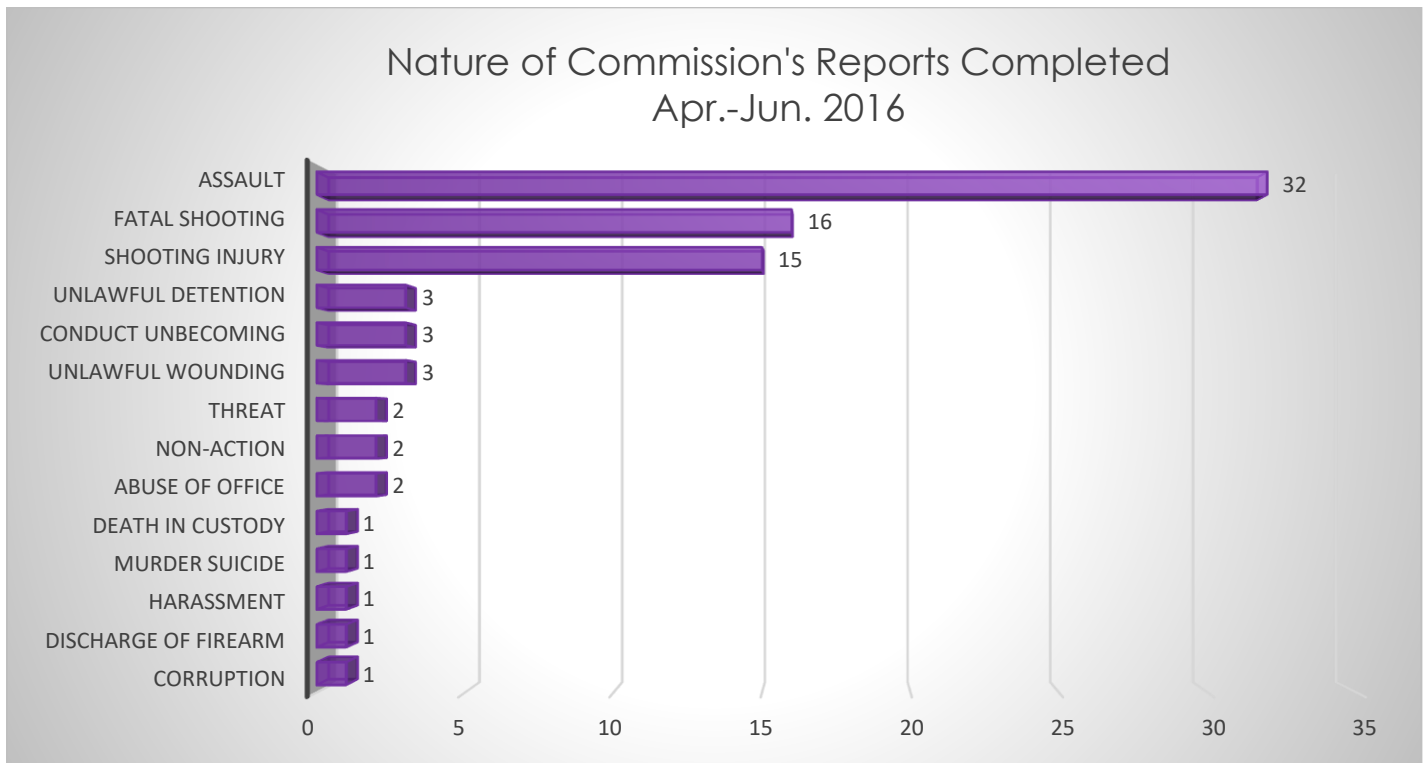


Figure 10: The above graph shows the nature of the Commission's Reports completed for the period of April to June 2016.

RECOMMENDATIONS OF THE LEGAL DEPARTMENT (APRIL-JUNE 2016)

Table 3: This table lists all matters resolved and the recommendations for the month of April 2016 (27).

No.	Category	Complainant/Victim	Case Summary	Recommendation
1.	Shooting Injury	EN	On September 21, 2015, E N was shot and injured along Central Flat Main Road while he was riding on his motorcycle to his home in Kingsvale, Hanover. This shooting was occasioned the concerned officer.	No criminal charges be laid or disciplinary action be taken against the concerned officer.
2.	Fatal Shooting	Kemar Whittaker	Kemar Whittaker was shot and killed on February 26, 2013 by the concerned officer at Copperwood in St. James. Whittaker allegedly cut the concerned officer on the right side of his face, and stabbed him on the left side, without lawful justification or excuse. Having inflicted wounds these two times, Whittaker made an attempt to wound the concerned officer a third time. On Whittaker's third attempt, the concerned officer discharged rounds from his weapon, killing Whittaker.	[a] No criminal charges are to be laid or disciplinary action be taken against the concerned officer in respect of the fatal shooting of Kemar Whittaker on the 26 th February, 2013; [b] Matter to be referred to the Special Coroner for him to decide whether an inquest should be held in the public interest.
3.	Shooting Injury	LS	LS was shot and injured on the 13 th day of February, 2013 by the concerned officer whilst escaping an impending apprehension, having freshly committed a larceny in the sight of the concerned officer. LS is alleged to have pointed a gun at the concerned officer twice whilst trying to escape. The concerned officer fired a total of two (2) rounds at different intervals during the incident. LS was later found at the Falmouth Hospital by another police officer who observed him bleeding from a gunshot wound to the right side of his chest.	No criminal charges are to be laid or disciplinary action taken against the concerned officer in respect of the shooting and injury of LS on February 13, 2012.

4.	Fatal Shooting	Christopher Thompson	The deceased was shot and killed at his home in Beaufort District, Westmoreland on August 23, 2014 by his brother-in-law, Constable Gaynor George Taylor, during a family dispute over Constable Taylor's punishment of the deceased's child without his permission.	Commission hereby recommends that Constable Gaynor Taylor be charged for the August 23, 2014 murder of Christopher Thompson.
5.	Fatal Shooting	K'Mar Beckford	On the 4 th day of April, 2015, Constable K'mar Beckford, according to five (5) witnesses and the concerned officer, Inspector Wayne Jacobs, was in the course of committing an aggravated robbery at the Lorna's Bar and Grill when he was shot and killed. During this encounter Beckford shot a patron at the bar and Inspector Wayne Jacobs.	<p>[a] Matter is to be referred to the Special Coroner for that office to decide whether an inquest is necessary;</p> <p>[b] The concerned officer be subjected to internal disciplinary measures of the Jamaica Constabulary Force in the matter of failure in his duty to preserve the incident scene in accordance with the provisions of Section 22 of the Independent Commission of Investigations Act and the "Directions" issued to said Force thereunder;</p> <p>[c] No criminal charges be laid or disciplinary action be taken against the concerned officer.</p>
6.	Shooting Injury	K S	K S alleged that he was shot by the police without lawful justification or excuse on the night of July 23, 2013. He boarded a car and, overcome with a need to avenge the death of his cousin, he placed a ratchet knife at the driver's throat. The man jumped through the window and the passenger escaped. He and R decided to drive the car out of the area. A police vehicle approached and began to shoot at the car. R ran away. He was injured in the back and on the leg.	The Commission recommends that no criminal charges are to be laid nor disciplinary action taken against any member of the Jamaica Constabulary Force.
7.	Fatal Shooting	Edward Thomas	The deceased Edward Thomas was shot and killed by Detective Corporal Robert Bailey and Constable Victor Mitchell on January 7, 2013 in what, the police alleged to	[a] Commission hereby recommends that no criminal charges be laid or disciplinary action be taken against the concerned officers in respect of the fatal shooting of Edward Thomas on January 7, 2013;

			be self-defence. There are no eyewitnesses to the incident.	[b] This matter is to be forwarded to the Special Coroner for him to decide whether an inquest is necessary.
8.	Fatal Shooting	Kenio Nelson and Chevanne Foster	Deceased were shot and killed by the police on the 11 th day of January, 2014 at a home in Creighton Heights, Quarry in the parish of Saint James. There are no witnesses to the incident. The police claim that the decedents shot at them.	[a] No criminal charges are to be laid or disciplinary action be taken against the concerned officers in respect of the fatal shootings of Kenio Nelson and Chevanne Foster of January 11, 2014; [b] Matter is to be forwarded to the Office of the Special Coroner for the decision to be there made as to whether an inquest ought to be held.
9.	Shooting Injury	OR	O R was shot and injured by Constable Ricardo Campbell on August 25, 2013 at a party.	Constable Ricardo Campbell is to be charged for Unlawful Wounding
10.	Assault	AP	The complainant alleged that on April 17, 2010 the concerned officer unlawfully arrested him and assaulted him at the Half-Way-Tree Transportation Centre Police Post. The respondent, contended that he arrested the complainant for dealing in second hand jewellery, and that he did not assault the complainant.	It is hereby recommended that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.
11.	Assault	J D o.bo. RF	J D alleged that on August 9, 2011, her son, R F was assaulted by the police, arrested and detained at the Bridgeport Police Station for allegedly threatening a police officer.	The Commission recommends that no criminal charges be laid or disciplinary action be taken against the concerned officer or any member of the JCF in relation to this complaint.
12.	Conduct Unbecoming	PB	On March 14, 2010, PB and Miss CC were involved in a physical altercation wherein Miss CC wounded her with a knife. The matter was subsequently reported to the Half-Way-Tree Police Station and the concerned officer, arrested and charged Miss CC for wounding with intent. P B believes that the investigating officer was biased against her in relation to another matter.	The Commission recommends that no criminal charges be laid or disciplinary action be taken against concerned officer in relation to this complaint.

<p>13.</p>	<p>Abuse of Office</p>	<p>JL</p>	<p>The complainant alleged that he attended the Yallahs Police Station where he was told that there was a warrant for his arrest, however, he was not shown the warrant. The complainant was detained at the said police station for the period November 17 – 20, 2013 without being told the reason for his arrest.</p>	<p>It is hereby recommended that no criminal charges be laid or disciplinary action be taken against District Constable Orlando Francis in respect of this complaint.</p>
<p>14.</p>	<p>Abuse of Office</p>	<p>DM</p>	<p>DM alleged that his former tenant, CR, made a threat on his life. He reported the matter at the Retreat Police Station; however, while making the report, he was informed that the said C R had earlier filed a complaint at the station against him (DM) for Malicious Destruction of Property. The police cautioned and arrested him for this offence. DM alleged that he was unlawfully arrested and that the officer to whom he made the report of the alleged threat on his life failed to conduct a proper and thorough investigation into his report.</p>	<p>The Commission recommends that no criminal charges are to be laid or disciplinary action taken against the concerned officer.</p>
<p>15.</p>	<p>Fatal Shooting</p>	<p>Courtney Douglas</p>	<p>The concerned officer (a licensed firearm holder*) and the deceased were friends and were patronising a bar on Oct. 3, 2016. The concerned officer's firearm was removed from his waistband by the deceased. The concerned officer, upon observing his behaviour became fearful that he may hurt someone with the weapon as attempted to relieve him of it. Loud explosions were heard shortly after, and the deceased was shot and killed,</p>	<p>It is hereby recommended that no criminal charges be laid or disciplinary action taken against the concerned officer.</p> <p>The file will be forwarded to the Special Coroner</p> <p>The file will be forwarded to the Firearms Licensing Authority and the JCF for further action as the concerned officer was carriage and use of the firearm was being done without a valid licence*.</p> <p>It is further recommended that the Commissioner of Police and the Police Service Commission:</p> <ul style="list-style-type: none"> - Be advised of the Commission's finding that a prima facie case exists that the concerned officer breached sections

				<p>15 and 33 of the JCF Code of Conduct;</p> <ul style="list-style-type: none"> - Cause such internal disciplinary proceedings deemed fit and proper to be instituted against the concerned officer. To determine whether he committed the breach described in the proceedings sub-paragraph. Proceedings against the concerned officer ought, however, to await the disposal of any criminal proceedings which may be contemplated against him. - Advises the Commission as to whether disciplinary proceedings will be instituted and if any, the contemplated nature of those disciplinary proceedings by May 16, 2016. - Where disciplinary proceedings in respect of sub-paragraph b) above are completed, communicates the outcome of the proceedings to the Commission within fifteen (15) days of their completion.
16.	Assault	JT	<p>The complainant alleges that a police officer assaulted him at the gas station where he worked, and that he punched the man in self-defence; he was then taken to the police station where he was arrested and charged.</p> <p>The respondent alleges that it was the complainant who assaulted him.</p>	<p>It is hereby recommended that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.</p>
17.	Assault	RRH	<p>RRH alleged that on October 6, 2012, he was standing in the town of Mandeville when</p>	<p>The Commission recommends that no criminal charges be laid or disciplinary action be taken</p>

			he was accosted by police officers, searched with reasonable cause, and subsequently arrested and taken to the Mandeville Police Station.	against any of the concerned officers in relation to this complaint. The Commission, however, recommends that the concerned officers should benefit from retraining in the area of the powers of the constable to arrest and conduct searches based on reasonable suspicion.
18.	Fatal Shooting	Dwayne Cobourne	On the 25 th day of August, 2010 Dwayne Cobourne was fatally shot by police officers at Orange Field Village in Ewarton, St. Catherine in what was alleged to be a shootout between police officers of the Ewarton Police Station and alleged robbers.	The Commission hereby recommends: a) That no criminal charges be laid or disciplinary action be taken against the concerned officers. b) The file be forwarded to the Special Coroner.
19.	Unlawful Detention	KM	On November 18, 2011 the complainant's home was searched by the police including the respondent. It is alleged that no search warrant was executed on the complainant. The complainant was taken into custody and released five days later. The respondent indicated that he executed a search warrant on the complainant and took him into custody based on items found in the complainant's house.	Pursue remedies for the unlawful search of his premises and unduly long arrest.
20.	Shooting Injury	HF	HF was shot and injured during an altercation at a bar on Mannings Hill Road on February 8, 2014 by Sergeant Hubert Graham.	Corporal Hubert Graham to be charged for Unlawfully Wounding HF and AB. Corporal Hubert Graham to be charged for Attempting to Pervert the Course of Justice.
21.	Assault/ Unlawful Detention	SA/MP	The complainants were assaulted by a female and the police officers assisted. This happened at the Grants Pen Police Station on July 20, 2012.	No criminal charges are to be laid or disciplinary action be taken against the concerned officer
22.	Assault/ Unlawful Wounding	NJ	The complainant alleged that she was assaulted by the respondent when he kicked, punched and stomped on her multiple times. The	Pursue civil remedies for the assault occasioned on her by the concerned officer.

			complainant was hospitalised as a result of her injuries. The respondent who was charged and placed on interdiction by the JCF did not provide a statement to INDECOM regarding these allegations.	
23.	Harassment	RG	The complainant alleged that she was a witness to the fatal shooting of two persons allegedly committed by police officers and as a result, she and her children have been harassed and threatened by said officers. RG alleged that on Monday October 10, 2011, around 4 pm a policeman forcibly entered her house and accused her of harbouring a criminal. She denied the suggestion made by the cop and an altercation developed between police officers who had accompanied Ellis to her house and the complainant's daughters who were subsequently arrested and charged.	No criminal charges or disciplinary action be taken.
24.	Discharge of Firearm	None	On January 24, 2015, around 8:00 a.m., the State Agent was on foot patrol detail in Spanish Town, St. Catherine. While on patrol, he went to the rear of a premises where he observed two (2) men; one (1) of whom was holding a pistol in his hand. The gunman pointed the gun at the State Agent, who then charged his service firearm and fired six (6) rounds at the gunman in self-defence. The gunman jumped over a zinc fence while the other man escaped through a hole in the fence. The State Agent chased the gunman who again pointed the pistol at him; the State Agent fired two (2) more shots at the gunman in self-defence.	The Commission recommends that no criminal charges are to be laid or disciplinary action be taken against the concerned agent of the State who is a member of the Jamaica Defence Force (JDF). The discharge of firearm in this case appears to have been lawful and justifiable.

25.	Shooting Injury	AS	<p>The complainant alleged that AS was unlawfully shot and injured by policemen.</p> <p>The police contended that AS fired at them, and they returned the gunfire injuring AS.</p>	<p>It is hereby recommended that no criminal charges be laid or disciplinary action be taken against any of the concerned officers in respect of this complaint.</p> <p>The Commission, however, reserves the right to reopen the investigation into this matter should AS file a complaint.</p>
26.	Shooting Injury	AT	<p>The complainant alleged that a police officer assaulted him at the gas station where he worked, and that he punched the man in self-defence; he was then taken to the Police Station where he was arrested and charged.</p> <p>The respondent alleged that it was the complainant who assaulted him.</p>	<p>It is hereby recommended that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.</p>
27.	Corruption	SS	<p>SS is the victim/complainant in a rape matter which is before the courts. She alleged that the police investigators have been tampering with the evidence in that case.</p>	<p>The Commission recommends that no criminal charges be laid or disciplinary action be taken against the concerned officer.</p>

MAY 2016

Table 4: This table lists all matters resolved and the recommendations for the month of May 2016 (14).

No.	Category	Complainant/Victim	Case Summary	Recommendations
28.	Assault	V T	<p>The complainant, an inmate at the Hunts Bay Police Station Lock-up, alleged that he was beaten by the respondent on his left hand with a baton; causing it to break.</p>	<p>It is recommended that no criminal charge or disciplinary action be taken against the concerned officer in respect of this complaint.</p>
29.	Non-Action	DC	<p>The complainant alleged that after having an altercation, she reported the matter to the concerned officer and he failed to investigate or make an arrest. She was arrested however on another occasion.</p>	<p>It is recommended that no criminal charge or disciplinary action be taken against the concerned officer in respect of this complaint.</p>
30.	Assault	EG	<p>The complainant alleged that he had an altercation with the concerned over a bus accident and the officer hit</p>	<p>It is recommended that the Commissioner of Police:</p> <ol style="list-style-type: none"> 1. Be advised of the Commission's finding that

			<p>him in the face, shoved a door on his foot and threatened to kill him.</p>	<p>a prima facie case exists that the concerned officer breached the JCF Standing Orders on Code of Conduct;</p> <ol style="list-style-type: none"> 2. Causes such internal disciplinary proceedings as are fit and proper to be instituted against the concerned officer to determine whether he committed the breach described herein; 3. Advises the Commission as to whether disciplinary proceedings will be instituted and, if they will, the contemplated nature of those proceedings by May 6, 2015; and 4. Where disciplinary proceedings in respect of sub-paragraph (ii) above are completed, communicates the outcome of the proceedings to the Commission within fifteen (15) days of their completion.
<p>31.</p>	<p>Assault/ Conduct Unbecoming</p>	<p>C B</p>	<p>The complainant alleged that while on her way home from work with a colleague, the car in which she was a passenger was stopped for a traffic offence. She indicated to the officer that this was “friggery” and he sought to arrest her for Obstructing Police. The officer also lifted her and forced her into the service vehicle to effect the arrest; resulting in her receiving injuries to her arm</p>	<p>A. It is respectfully recommended that the Commissioner of Police:</p> <ol style="list-style-type: none"> i. Be advised of the Commission's finding a prima facie case exists that the concerned officer breached the JCF Standing Orders on Code of Conduct; ii. Causes such internal disciplinary proceedings as are fit and proper to be instituted against the concerned officer to determine whether he committed the breach described herein; iii. Advises the Commission as to whether disciplinary proceedings will be instituted and, if they will, the contemplated nature of those proceedings by May 13, 2016; and

				<p>iv. Where disciplinary proceedings in respect of sub-paragraph (ii) above are completed, communicates the outcome of the proceedings to the Commission within fifteen (15) days of their completion.</p> <p>B. The matter be referred to the learned Solicitor General for contemplation of compensation</p> <p>The complainant to seek civil remedies for the injuries she received; bearing in mind that that the incident was over five (5) years ago and the statute of limitation is six (6) years for claims of this nature.</p>
32.	Non-Action	P M	<p>On July 27, 2014 the complainant allegedly visited the Cross Keys Police Station to report a robbery and wounding. Instead he was arrested and charged for creating public mischief. He believed the concerned officers neglected their duty to investigate his complaint.</p>	<p>It is recommended that, without more, no criminal charges or disciplinary action be taken against the concerned officer.</p>
33.	Assault	P W	<p>The Commission received a report that an inmate was assaulted at the Mountain View Lock-Up. However, upon investigating, the inmate claimed he was assaulted by another inmate and the concerned officer claimed the complainant, while being restrained, behaved boisterously, thereby hitting his head against the cell grille, resulting in injuries.</p>	<p>The file be closed and no departmental action be instituted against the concerned officer resulting from this incident.</p>
34.	Assault	N A	<p>The complainant alleged that the concerned officer used threatening words to her. The officer denied same; but the complainant was reluctant to have a formal investigation. Both parties agreed to informal resolution.</p>	<p>The file be closed as the matter was successfully resolved informally.</p>
35.	Assault	N A	<p>The complainant contended that on the 17th of October, 2012, a police officer hit him and held onto the waist of his pants, whilst another police officer choked him with straps that were fastened to a horse.</p>	<p>No criminal charges to be laid or disciplinary action to be taken against the concerned officers unless or until the complainant revives the complaint.</p>

			<p>The respondent contends that the complainant got entangled in the reins on the horse by accident.</p>	
<p>36.</p>	<p>Assault</p>	<p>K M</p>	<p>Complainant was arrested on reasonable suspicion that he had stolen a goat. He was arrested and held for nine (9) days without being charged. She alleges that during this time he was beaten, threatened, his car set on fire and his property misappropriated. Most of the allegations were unsubstantiated.</p>	<ol style="list-style-type: none"> 1. It is recommended that no criminal charges be taken against the concerned officer or any other member of the Constabulary Force stationed at the Morant Bay Police Station. 2. Further, it is respectfully recommended that the Commissioner of Police: <ol style="list-style-type: none"> a) Be advised of the Commission's findings that the complainant was unlawfully detained for eight (8) days without being charged and before the issue of bail was considered. b) Cause the officers to be issued with a reminder and/ or undergo some retraining in respect of the law in relation to false imprisonment. Specifically the obligations of an officer in relation to the law under the Bail Act that a person be charged within twenty-four (24) hours of being arrested and the issue of bail to be considered within twenty four hours (24) of being charged. c) Advise the Commission as to whether the recommendations at (b) was carried out by the 31st of July, 2016. d) Where recommendations in respect of subparagraph (b) above, are completed, that he communicates the outcome of the proceedings to the Commission within 15 days of their completion. 3. It is also recommended that the Solicitor General be advised of the Commission's finding that a prima facie case exists that the concerned officer was falsely imprisoned having been detained for a period of nine

				<p>(9) days without being charged.</p> <p>4. It is hereby recommended that the complainant, if he is so minded, pursue a civil action for False Imprisonment.</p>
37.	Fatal Shooting	Kenton Brown	<p>Kenton Brown was shot and killed by the concerned officer on the 27th day of April, 2015 in the aftermath of a robbery at the Gibbs Chateau Resort. There are no direct witnesses to the shooting.</p> <p>The evidence uncovered by the investigation does not reveal a <i>prima facie</i> case to charge. Self-defence cannot be negated.</p>	The Commission recommends that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this fatal shooting.
38.	Shooting Injury	JH	<p>On the 22nd day of January, 2016, J H was shot and injured whilst aboard a taxi driven by L G who had been fleeing from the police. Senior Superintendent Castelle, and District Constable McIntosh pursued this vehicle; and fired shots along Corinaldi Avenue, and on Mount Salem Road. It was whilst shots were being fired on Mount Salem Road that Ms. Hines was shot.</p>	<p>The Commission recommends that:</p> <p>[a] Senior Superintendent Anthony Castelle be charged for Unlawful Discharge of a Firearm, Unlawful Wounding, and Misconduct in Public Office; and</p> <p>[b] District Constable Rohan McIntosh be charged for Unlawful Discharge of a Firearm, Unlawful Wounding, and Misconduct in Public Office; and</p> <p>[c] The Commissioner of Police and Police Service Commission consider instituting disciplinary proceedings against Senior Superintendent Anthony Castelle, and District Constable Rohan McIntosh in respect of various breaches of the JCF's <i>Use of Force and Firearms Policy</i>, upon completion of criminal proceedings.</p>
39.	Shooting Injury	OM	<p>On November 11, 2011, the complainant was shot and injured whilst he was driving a Toyota Corona motor car. The complainant does not know the identity of his shooter but he alleged he was shot shortly after he drove past a group of police officers whom he had known previously. The respondents alleged that they were fired at on two occasions by unknown gunmen who were travelling in a stolen Suzuki Vitara which crashed into an embankment. The respondents</p>	In these circumstances, it is open to the complainant to pursue civil remedies.

			states that when they returned fired, they did so in self-defence.	
40.	Fatal Shooting	Junior Hoggart	Around 1:50 a.m. on Tuesday, November 5, 2013, Junior Hoggart was fatally shot by the concerned officer and a licensed firearm holder. It was reported that the now deceased had been found inside E W's motor car which was parked at the gate to their residence, attempting to steal the said motor car. The police was summoned and when the concerned officer arrived on the scene, he and the licensed firearm holder attempted to apprehend the now deceased. Hoggart used a knife to stab at the concerned officer, and the men fired at Hoggart. Hoggart was taken to the Linstead Hospital where he was pronounced dead.	The Commission recommends that no criminal charges be laid or disciplinary action be taken against the concerned officer, or P W (civilian); in relation to the fatal shooting of Mr. Hoggart.
41.	Murder /Suicide	Keemo Walsh/Anduialy Smith	On Sunday, May 3, 2015, Constable Keemo Walsh was shot, allegedly by Constable Anduialy Smith, who subsequently took his own life by shooting himself in the head. Constable Keemo Walsh ultimately died while undergoing treatment at the Saint Ann's Bay Hospital for the gunshot wound which had been inflicted on him by Cons. Smith.	No criminal charges be laid or disciplinary action be taken against any member of the Jamaica Constabulary Force ("JCF") in relation to the fatal shootings of Constables Keemo Walsh and Anduialy Smith; The file is to be forwarded to the Special Coroner.

JUNE 2016

Table 5: This table lists all matters resolved and the recommendations for the month of June 2016 (29).

No.	Category	Complainant /Victim	Case Summary	Recommendations
42.	Shooting Injury	NG	The complainant stated that on the morning in question, he had gone to a party at a nightclub located at the Nashville Plaza in Mandeville, Manchester. He was accompanied by family members and friends. Around 3:00 a.m., there was a fight between one of his cousins and another man who was not previously	The Commission recommended that criminal charges be laid against Sergeant Phillip Currie for the offences of Unlawful Wounding, Unlawful Discharge of a Firearm, and Making a False Statement to mislead INDECOM in its investigations. The Commission also recommended that Sgt.

			<p>known to him. After the fight was quelled, they left the club and the same man who was in the altercation inside the club, attacked him outside the club. The man pushed him in his chest causing him to fall to the ground, punched him, pulled a firearm from his waistband and pointed it at him. NG ran from the scene, towards the Mandeville Police Station, and the man chased him. While he was running away, he heard about three (3) loud explosions which sounded like gunshots. When NG reached the station, he felt a burning sensation on his right upper arm and saw that he was bleeding; he realised that he had been shot.</p>	<p>Currie be subjected to internal police discipline for breaching sections 15, 52 and 53 of the JCF Human Rights and Police Use of Force and Firearms Policy, and section 24 of the JCF Code of Conduct.</p>
43.	Assault	KO	<p>Complainant was allegedly beaten whilst in custody at the Yallahs Police Station and whilst at the Bath Police Station.</p>	<p>It is recommended that no criminal charges or disciplinary action be taken against any member of the Jamaica Constabulary Force.</p>
44.	Assault	D G	<p>On April 28, 2013, at about 10:00 a.m., D G (complainant) attended the Admiral Town Police Station with his mother, in relation to a domestic dispute between his brother and his brother's girlfriend. Shortly after arriving at the station, the matter between his brother and girlfriend was resolved but DG was sitting inside the guard room, conversing with one of the police officers who was present. Whilst talking to this officer, a man dressed in civilian clothing walked inside the guard room, approached him and used the palm of his hand to hit him on the right side of his face. The man who struck him was later identified to him as the concerned officer. The complainant was upset and left the station. He went to the New Kingston Police Post where he reported the alleged assault.</p>	<p>[a] No criminal charges be laid against the concerned officer for the alleged assault on the complainant;</p> <p>[b] the Commission recommends that the Commissioner of Police and the Police Service Commission:</p> <ol style="list-style-type: none"> 1. Be advised of the Commission's finding that a <i>prima facie</i> case exists that the concerned officer breached sections 14 and 18 of the JCF Use of Force Policy, and Chapter 23 of the JCF Standing Orders entitled "Use of Force". The Commission is of the view that the concerned officer acted in a manner which undermined the discipline of and reflected discredit upon the Force; 2. Causes such internal disciplinary proceedings as are fit and proper to be instituted against the

				<p>concerned officer to determine whether he committed the breaches described in the preceding sub-paragraph.</p> <p>3. Advises the Commission as to whether disciplinary proceedings will be instituted and, if they will, the contemplated nature of those disciplinary proceedings by June 30, 2016.</p> <p>4. Where disciplinary proceedings in respect of sub-paragraph (b) above are completed, communicates the outcome of the proceedings to the Commission within fifteen (15) days of their completion.</p>
<p>45.</p>	<p>Fatal Shooting</p>	<p>Hector Cammock</p>	<p>On Wednesday, July 27, 2011 at approximately 1:00 p.m., Mr. Hector Cammock, aged forty (40) years old and unemployed, was fatally shot by the concerned officer at his residence in Brixton Hill District, Mocho, Clarendon. It is alleged that Mr. Hector Cammock visited one of his neighbours' home and attempted to rape Miss L B. She subsequently reported the incident to the Mocho Police Station. The Mocho police sought the assistance of the May Pen police station. The concerned officer and another police officer responded. The respondent, eventually went to Cammock's dwelling house where they allegedly saw him on his verandah. During the respondents' presence, Cammock was armed with a machete and threw faeces at the police. A District Constable was also present. Cammock chopped at the concerned officer several times with the machete. He stated that he became fearful for his life, as such, he</p>	<p>In these circumstances, the Commission recommends that no criminal charges or disciplinary proceedings should be brought against the concerned officer of the May Pen Police Station. The Commission further recommends that the file be submitted to the Special Coroner for his determination on whether or not an inquest should be held.</p>

			fired two (2) shots in Cammock's direction. While still standing there, Cammock again attacked him with the machete and he fired two (2) more shots in Cammock's direction. Cammock continued to advance towards the other officer and the concerned officer discharged three (3) more shots in Cammock's direction. The sole civilian eyewitness, Miss B, corroborated the account of the police that Cammock was throwing faeces at them and was armed with a machete.	
46.	Assault/Threat	G H	The complainant GH alleged that he was at a party when a policeman draped him by the waist, pointed a gun at his stomach and later told him "Me cud a shoot yuh and just write a statement seh a shootout."	<p>It is hereby recommended that no criminal charges be laid against the concerned officer, unless the complainant expresses a desire to pursue the matter, in which case, the Commission reserves the right to review its ruling.</p> <p>It is hereby recommended that the complainant, if he is so minded, engage in a mediation session with the concerned officer in a bid to resolve this complaint.</p> <p>It is respectfully recommended that the Commissioner of Police be advised of the Commission's finding that a prima facie case exists that the concerned officer breached Section 2.4 of Appendix "A" to Force Order 3337, and Section 6 of the JCF Code of Conduct.</p>
47.	Assault	AB	The complainant was allegedly beaten by officers whilst at the Denham Town Police Station Lock-up because they alleged that he called a witness in the case against him whilst in lock-up and threatened her. The police deny the incident. However, a medical certificate as well as a statement from a fellow inmate supports the contention of the complainant. The complainant however refused to do an ID parade and has since failed to contact the Commission to pursue the matter despite requests. One of the officers has since died and 3 other resigned from the JCF.	It is recommended that no criminal charges or disciplinary action be taken against the concerned officers or any other member of the Jamaica Constabulary Force.

<p>48.</p>	<p>Assault</p>	<p>JD</p>	<p>Complainant alleged that on March 21, 2010 the concerned officer conducted himself in a manner unbecoming a member of the Jamaica Constabulary Force when he said to her:</p> <p>[a] "Gyal weh yuh a do ya, anybody a chat to yuh!"</p> <p>[b] "Dutty gyal yuh still dey ya, yuh nuh gone yet?"; and</p> <p>[c] "Dutty gyal wha yuh a chat sey?"</p>	<p>No criminal charges be laid or disciplinary action taken against the concerned officer.</p>
<p>49.</p>	<p>Fatal Shooting</p>	<p>Cleon Walsh</p>	<p>On May 9, 2011, Cleon Walsh was killed by members of the Area 4 Police Headquarters Operational Support Unit. The police alleged that Mr. Walsh was armed with a firearm and was in the company of another civilian who was firing at them. As a result of the actions of Walsh, the concerned officers returned fire. Walsh's weapon was recovered by Henry. The complainant indicated that although she did not witness the shooting, she received a report from someone that the police was "beating a youth" but there was no statement obtained during the investigation from that person who made this report to her. The findings of the ballistic expert were that the spent casings from the scene matched Walsh's alleged weapon and that of the respondents. In the absence of any eyewitness evidence to contradict self-defence, a charge cannot be supported. Furthermore, the Coroner's jury found, before INDECOM concluded its investigations, that none of the officers should be charged.</p>	<p>In these circumstances, the Commission recommends that no disciplinary action or criminal proceedings be brought against the concerned officers. The Commission further recommends that the file be submitted to the Special Coroner for his determination on whether or not an inquest should be held.</p>
<p>50.</p>	<p>Shooting Injury</p>	<p>NF</p>	<p>The complainant alleged that he was fired upon by the police without reasonable cause.</p> <p>The concerned officer contended that the complainant was armed with two (2) stones and threw one (1) at the police, the complainant then transferred the other stone to his dominant hand; at this point, he saw the complainant as an imminent threat to their safety, so he discharged two (2) rounds in the</p>	<p>It is hereby recommended that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.</p>

			direction of the complainant to neutralise the threat.	
51.	Shooting Injury	TM	<p>The complainant contended that he was cleaning the yard when he heard a sound which caused him to run, even though he did not know who or what made the sound. He ran to his neighbour's house where he subsequently got shot but he does not know who shot him.</p> <p>The police indicated that they observed the complainant with a firearm and that when he was accosted, he opened fire at the police and the police returned gunfire in self-defence.</p>	It is hereby recommended that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.
52.	Assault	GS	<p>The complainant alleged that the concerned officer assaulted him after he refused to give the concerned officer the keys to his motor car so he could seize same.</p> <p>The concerned officer indicated that he asked the complainant for the keys to his motor vehicle so he could seize it because the complainant breached the Road Traffic Act; the complainant however, refused to hand over the keys. The respondent states that he did not touch the complainant.</p>	It is hereby recommended that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.
53.	Shooting Injury	JA	The complainant alleged that on July 14, 2012, he was shot and injured by the concerned officer in the Spring Garden area. The concerned officer alleged that he discharged his firearm in self defence against the complainant who pulled out a knife.	The Commission hereby recommends that no criminal charges be laid or disciplinary action taken against the concerned officer in respect of the shooting and injury of JA.
54.	Assault	S B	The complainant alleged that he was assaulted by a male police officer along the Prospect Main Road on January 7, 2016.	The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.
55.	Assault	SS	The complainant, SS, alleged that she and her brother, were assaulted by a male police officer at their home on the 27 th day of November, 2013, at about 11:00 a.m. The complainant's	It is hereby recommended that no criminal charges be laid or disciplinary action taken against any member of the Jamaica Constabulary Force or Jamaica

			blouse and brassiere were torn due to the assault.	Defence Force in respect of this complaint.
56.	Assault	SV	The complainant alleged that herself, and her sister, were assaulted by police officers at their home on the 9 th day of March, 2016, at about 5:30 a.m.	It is hereby recommended that no criminal charges be laid or disciplinary action taken against any member of the Jamaica Constabulary Force or Jamaica Defence Force in respect of this complaint.
57.	Assault	LC	The complainant alleges that he was assaulted by the concerned officer and another officer at the Montego Bay Transport Centre's police booth on the 30 th day of May, 2012 at about 4:00 p.m. He claims that as a result of the assault, a watch he owned, valued at \$1,500.00 was destroyed.	<p>The Commission hereby recommends that disciplinary action be taken against the concerned officer for:</p> <ul style="list-style-type: none"> i)unlawfully arresting the complainant ii) using personal violence against the complainant after he was arrested and taken to the police booth at the Montego Bay Transportation Centre iii) allowing the complainant to be beaten by other police officers at the Barnett Street Police Station iv) securing his detention at the Montego Bay Police Station when, according to Force policy, the complainant should have been cautioned and sent home; v) the risk posed to the life and limb of the complainant by his beating at the Montego Bay Police Station by reason of Constable Stewart's unreasonable conduct as outlined in [iv] above. <p>The Commission further recommends that the complainant be advised to pursue his civil remedies in an action for false imprisonment as a result of his unlawful arrest by the concerned officer on the 30th May, 2012. The Solicitor General to be so advised.</p>

<p>58.</p>	<p>Conduct Unbecoming</p>	<p>GS</p>	<p>The complainant alleged that on the 14th day of March, 2012, she was handled in a manner unbecoming and unprofessional by the concerned officers.</p>	<p>The Commission hereby recommends that the Commissioner of Police be advised that a prima facie case exists for disciplinary action to be taken against one of the concerned officer for</p> <ul style="list-style-type: none"> i) the neglect of his duties by failing to prepare the necessary documents to facilitate the court hearing for the complainant, despite being instructed by his superior so to do; ii) the failure to aid a member of the public enquiring about the procedure for obtaining bail for an individual; iii) the refusal to furnish his name when requested by a member of the public; and iv) Disobeying orders given by a superior officer. <p>That a prima facie case exists for disciplinary action to be taken against another of the concerned officers for:</p> <ul style="list-style-type: none"> i) conduct unbecoming of a member of the Jamaica Constabulary Force by reason of his use of profane and coarse language in his address to GS; and, ii) the promotion of uncivilised and discourteous behaviour towards members of the public. <p>That the Commissioner of Police causes such internal disciplinary proceedings as are fit and proper to be instituted against both of the concerned officers to determine whether they have committed the breaches described in the preceding sub-paragraph.</p> <p>That the Commissioner of Police advises the Commission as to whether disciplinary proceedings will be instituted and, if they will, the contemplated nature of</p>
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				<p>those disciplinary proceedings by the 30th day of July 2016.</p> <p>Where disciplinary proceedings in respect of subparagraph (ii) are completed, communicates the outcome of the proceedings to the Commission within fifteen (15) days of their completion.</p>
59.	Assault	CM	<p>The complainant alleges that at about 3:00 p.m. on October 16, 2015, he was assaulted by the concerned officer along Barnett Street in Montego Bay. There is no medical certificate on file.</p>	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.</p>
60.	Fatal Shooting	Damion Hendricks	<p>Shortly after midnight on September 27, 2010, Mr. Damion Hendricks was shot and killed by the concerned officer whilst they were at the Rock and Roll nightclub located at Ward Avenue in the parish of Manchester.</p> <p>Eyewitnesses stated that on the morning in question, the concerned officer, who was previously known to them, had been drinking and socialising with the now deceased inside the nightclub. Later that morning, a physical altercation developed between the concerned officer and the now deceased, and the concerned officer pushed Mr. Damion Hendricks to the ground, knelt in his abdomen, drew a firearm and placed it against his chest, and shot him.</p>	<p>No criminal charges be laid or disciplinary action be taken against the concerned officers relative to the fatal shooting of Damion Hendricks; and</p> <p>The file be forwarded to the Special Coroner for his office to determine whether an inquest ought to be held into this matter.</p>
61.	Assault	MS	<p>The complainant contended that he was at the National Stadium Police Station when a police officer approached him and sprayed pepper spray in his eyes.</p> <p>The respondent asserted that the complainant attended the National Stadium Police Station and was behaving in a boisterous manner. He further stated that the complainant threatened him with a weapon and refused to retreat, so he sprayed pepper spray in his face in order to neutralise the threat.</p>	<p>It is hereby recommended that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.</p>

62.	Assault	RR	<p>The complainant, RR, contended that the concerned officer assaulted him. The concerned officer stated that he did not assault the complainant, he just prevented him from boarding a vehicle which he ought not to have been boarding.</p>	<p>It is hereby recommended that no criminal charges be laid or disciplinary action be taken against the concerned officer in respect of this complaint.</p>
63.	Assault	RW	<p>The complainant stated that on July 19, 2015, he was at the home of his girlfriend when they had a dispute. According to him, the dispute was peaceably resolved; however, the girlfriend left the house and subsequently returned along with police officers. The police told him that the girlfriend had expressed to them that he (complainant) had threatened her, and that she wanted him to leave her house. The police warned him and then they left shortly afterwards. The girlfriend also left that same evening and returned the following day, again with police officers. On this occasion, the police instructed him to pack up his belongings and leave the premises. The complainant hesitated to leave the premises and an argument developed between him and the police during which they verbally abused each other.</p> <p>The complainant also stated that he went inside the bathroom to take a shower and the officers followed him and assaulted him. He was then taken to the Bridgeport Police Station where he was charged for resisting arrest.</p>	<p>The Commission humbly recommends that no criminal charges be laid or disciplinary action be taken against any of the concerned officers in respect of this complaint.</p>
64.	Fatal Shooting	Corbette Harris	<p>Deceased was shot and killed by the police on January 29, 2010 on the compound of Sabina Park. It is alleged that he engaged the police in a shoot-out in the vicinity of the cricket pitch at Sabina Park and the concerned officers took evasive action. The deceased sustained a gunshot wound to the head which lacerated his brain and fractured his skull.</p>	<p>[a] No criminal charges to be laid or disciplinary action be taken against the concerned officers in respect of this fatality; and</p> <p>[b] This matter is to be forwarded to the Special Coroner for a decision to be there made as to whether an inquest ought to be held.</p>

65.	Assault	AM	<p>The complainant alleged that he was assaulted by the concerned officer of the Street Crime Unit of the Montego Bay Freeport Police Station on the 20th day of October 2011 in which the complainant suffered bruises and a swollen hand.</p>	<p>The Commission hereby recommends that no criminal charges be laid or disciplinary action be taken in respect of this complaint against the concerned officer.</p>
66.	Threat	OB	<p>The complainant, OB, alleged that various police officers, have threatened him repeatedly since he has been deported to Jamaica in July 15, 2014 and subsequently charged him for a triple murder which allegedly occurred in the parish of Saint James sometime in 2006.</p>	<p>The Commission humbly recommends that no criminal charges be laid against any of the concerned officers in relation to this complaint.</p> <p>It is further recommended that the Commissioner of Police and the Police Service Commission cause such internal disciplinary proceedings as are fit and proper to be instituted against the three concerned officers to determine whether they breached sections 1, 2 and 32 of the JCF Code of Conduct.</p>
67.	Assault	SM	<p>SM alleged that sometime in 2005 he went to stay with his cousin at Halls Delight in the parish of Saint Andrew; the cousin had suffered a stroke and was unable to take proper care of himself. He claimed that the cousin had given him permission to stay at the house so that he SM could be better able to take care of him. However, the cousin's daughter-in-law, was opposed to SM staying at the house with the cousin. The daughter-in-law and other members of the cousin's family were in league with the concerned officer whose assistance they solicited in trying to remove him SM from the property. SM alleged that on April 4, 2010, at about 3:30 p.m., he was at work in Papine, Saint Andrew when the concerned officer and three (3) other officers came to his workplace, acting on behalf of the cousin's family, and instructed him to leave the property. He asked the concerned officer to allow him to remove his belongings at some other time and one of the policemen used a piece of board to hit him on the right side of his body and across his</p>	<p>The Commission recommended that no criminal charges can be laid or disciplinary action taken against the concerned officers in this case.</p>

			<p>shoulder. The other officers also used their guns to push and hit him. The concerned officer grabbed on to him and kicked him. He also allegedly pointed an M16 rifle at him causing him to jump over a fence, into a gully.</p>	
68.	Death in Custody	Andrew Scott	<p>On November 21, 2006, Andrew Scott had been arrested for fraud. He was being detained at the Kingston Central Police Station and on November 24, 2006, while in custody, Andrew Scott was found unconscious, lying on the floor of his cell. He was taken to the KPH where he was treated and admitted to hospital. Andrew Scott later died at KPH on December 19, 2006 while undergoing treatment for, what was at the time, an unknown ailment.</p> <p>The post-mortem examination report conclusively states that the cause of death was acute renal failure due to sepsis as a result of Encephalitis.</p>	<p>The Commission recommended that no criminal charges be laid or disciplinary action be taken against any member of the JCF in respect of this fatality.</p> <p>The Commission further recommended that this matter be forwarded to the Special Coroner.</p>
69.	Assault	RF	<p>On March 14, 2012, at about 1:45 p.m., the complainant was observed by police officers committing certain traffic offences. The police accosted the complainant, and asked him to produce his driver's licence and registration documents. The complainant was also advised that the motorcycle would be seized. An argument developed between the complainant and the police, and the complainant alleged that a police officer hit him in his chest while another officer handcuffed him in an aggressive manner causing bruises to his wrists.</p>	<p>The Commission recommended that no criminal charges be laid or disciplinary action be taken against any of the concerned officers in relation to the alleged assault of RF.</p>
70.	Shooting Injury	NL	<p>NL reportedly received gunshot injuries during a shootout with the police along Darien Drive in Marine Park, Portmore in the parish of Saint Catherine. Reports are that one police officer and the concerned officer were standing along Darien Drive when they were pounced upon by gunmen; the gunmen alighted from the motor car, and one of the gunmen pointed a gun at the first mentioned officer and the concerned officer and ordered them</p>	<p>No criminal charges be laid or disciplinary action be taken against the concerned officer.</p>

		<p>not to move. The concerned officer drew his service pistol, challenged the gunmen and a shootout ensued.</p> <p>During the shootout, W/Spl. Cons. Henry sustained gunshot wounds, one of the gunmen also appeared to have received gunshot injuries before escaping. The concerned officer recovered a firearm which one of the gunmen had dropped at the scene, and he (the concerned officer) subsequently rushed W/Spl. Cons Henry to the Spanish Town Hospital where she died while undergoing treatment. While he was at the hospital, the concerned officer saw a man lying on a bed in the Emergency section of the hospital and instantly recognised him as one of the gunmen who had attacked him earlier. The concerned officer pointed out this man to the police; the man was informed of the allegations made against, cautioned and subsequently arrested and charged for the murder of W/Spl. Cons. Ariana Henry; among other offences.</p>	
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ARRESTS MADE/CHARGES LAID (APR. - JUN. 2016)

Name and Rank	Charge	Date of Arrest	State Agency
Con. Duan Barrette	Murder of Michael McKenzie	April 12, 2016	JCF
Con. Sasamarley Barrette	Murder of Michael McKenzie	April 12, 2016	JCF
Sergeant Hubert Graham	- Unlawful Wounding - Attempting to Pervert the Course of Justice	April 14, 2016	JCF
SSP Anthony Castelle	- Unlawful wounding - Unlawful discharge of firearm, - Misconduct in a public office	May 18, 2016	JCF
Dist. Cons Rohan McIntosh	- Unlawful wounding, - Unlawful discharge of firearm - Misconduct in a public office	May 18, 2016	JCF

Table 6: The above table shows all the police officers arrested and charged for various offences for the period of April-June 2016.

PART THREE

LESSONS LEARNT

Right to Life and Security of Persons while in Custody

INCIDENT 1

Inmate AB was suspected of a serious crime against a police officer. Suspect was arrested. Understandably many members of the force were upset with regards to the crime. Police High Command and Divisional Commanders reminded the members to act professionally. Custody Officer asked to take steps to protect suspect.

Suspect was remanded at the station next door to the station where the victim works. Custody Officer detected a risk of harm from police officers or fellow prisoners seeking to "curry favour" and decided to put him in the cell with other vulnerable prisoners. Within a few days he was in the shower area with prisoners (not his cellmates) where he was severely beaten. He is in a vegetative state. There is no record or recollection as to which detainees were out of their cells at that time.

LESSON:

Whilst it was commendable that risk was detected, protective measures were clearly inadequate.

- a. Why not remand in a correctional facility? Why at a station so close to the victim's? Why did they think that he was not at risk from other vulnerable inmates?
- b. In addition to seeking medical assistance for an injured inmate cell guards should ensure the scene is preserved and inmates who were in a position to know about the incident be identified for interview by the investigator.
- c. Cell guards must maintain records of prisoners who have been released from their cells to common areas.

INCIDENT 2

Prisoner previously attempted suicide. On fateful day the prisoner was involved in a fight with another inmate and threatened to self-harm. The prisoner was patently emotionally disturbed.

Cell guards took away clothing and bed sheets in an effort to prevent suicide. There were no cells available without hanging points. The prisoner reached into another cell and seized a pair of trousers from which a ligature was quickly formed that facilitated suicide.

Cell guards were alerted by the shouts coming from the other inmates in the cells but it took them five (5) minutes to get to the cells. They were too late as the inmate was dead.

LESSON:

- a. There must be continued assessment of suicide risk.
- b. Prisons and lock-ups must be constructed to give options for effective suicide prevention.
- c. Cell guards must put themselves in a position so that they will be able to respond swiftly.
- d. Cell guards should consult with mental health professionals where an inmate presents a risk of suicide.

LOCAL LAW AND POLICIES

The Constitution provides for right to life and security of person. Other relevant provisions are:

- (i) **Constabulary Force Act:** The general responsibilities of a constable are to keep watch and to preserve the peace.
- (ii) **The Prisons (Lock-Ups) Regulations 1980** are made under **The Prisons Act** and although having no specific provisions on vulnerable inmates, do provide:

"7. The officer in charge of a lock-up shall take such steps as are necessary to cause medical attention to be given without delay to any person being detained in such lock-up who appears to be ill or in need of medical attention or who complains of any illness".

- (iii) Chapter 7.1 of the **JCF's Book of Rules** states that:

"Prisoners shall be treated with every consideration and while no harshness or unnecessary restraint shall be used

towards them, **every precaution must be taken as regards their safe custody....**" (Emphasis added)

INTERNATIONAL EXAMPLES AND STANDARDS

The United Kingdom **Police and Criminal Evidence Act Code C (2014)** provides that the head of the station is required to ensure that proper risk assessment arrangements are in place, define and document the category of risk (to include where there is no risk), and brief all responsible. The custody officer must determine whether the detainee requires medical attention and initiate an assessment as to whether the detainee may present risks. In this assessment he must consult with the arresting officer and health-care professionals as necessary. The custody officer must implement the response to the risk assessment by reducing the risk of self-harm, calling health-care professionals, increasing the level of monitoring, and limiting contact. The UK police forces are required to treat risk assessment as an ongoing responsibility.

The Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas requires that the State protect prisoners from threats or acts of violence. Some measures to achieve this end include making proper records of who authorised detention, the personal integrity and health of the prisoner on admission, as well as clearly advising the prisoner as to the rights, duties and prohibitions consequential to his custody.

Prisoners must be separated as required by reason of sex, age, reason for deprivation of liberty and the need to protect life and integrity.

The cells must not be overcrowded and be well ventilated. Prisoners must have daily exposure to natural light.

The World Health Organization and International Association for Suicide Prevention's **Preventing Suicide in Jails and Prisons** recommends that detention facilities:

- a. Develop a 'suicide profile' and screening to detect prisoners at greater risk on admission;
- b. Reassess risk based on suicide attempts or discovery of emotional problems;
- c. Conduct initial and refresher training of staff in suicide prevention, such training to include understanding why detention can be conducive to suicide, predisposing factors to suicide, high risk periods, warning signs, and standard first aid;
- d. Institute closer observation with shorter, irregular and staggered intervals;
- e. Construct some suicide-safe cells, that is without hanging points and unsupervised access to lethal materials;
- f. Foster an environment that minimalises bullying and violence; and
- g. Maintain quick access to first aid, medical and mental care.

PART FOUR

PUBLIC INFORMATION

Meetings with Security Forces and INDECOM:

In the 2nd quarter of 2016, INDECOM senior managers in the Operations Unit had three (3) meetings with members of the JCF High Command and the Inspectorate of Constabulary. The following matters were discussed:

- Specific Fatal Shooting Cases
- Arrest Policy
- Deaths in Custody

OUTREACH – AWARENESS EXERCISES

Unit/Division/Station	Group Size	Contact Hours
Jamaica Constabulary Force	54	2
Department of Corrections	210	2.5
Civic Group	50	2
Jamaica Constabulary Force	94	2.5
Department of Corrections	112	3
Justices of the Peace – St. James	60	2
Jamaica Constabulary Force	11	2

Table 7: The above table shows the number of awareness exercises in which INDECOM representatives participated over the period of April to June 2016.

PRESS RELEASES

For the 2nd quarter of 2016, The Public Relations Unit issued 16 press releases. They are as follows:

1. INDECOM has published 4 annual reports
2. Four killed in Old Harbour Identified
3. INDECOM Probing Death in Custody and Multiple Fatal Shooting Incident
4. INDECOM probing shooting injury of 15-y-o Alpha Student
5. INDECOM Statistics – First Quarter 2016
6. Investigation into fatal shooting of Cons. K'mar Beckford concluded
7. INDECOM probing fatal shooting in Wakefield Trelawny - Appeals for cooperation
8. Two JCF Members charged with Unlawful Wounding and more
9. Press Statement on State Agents' Failure to Respect the Dead
10. INDECOM probes triple fatality in Westmoreland
11. Civilians in triple fatal shooting in Westmoreland identified
12. 2 police officers arrested and charged with murder
13. INDECOM gets first murder conviction
14. INDECOM charges JCF Member with 2 counts of unlawful wounding and attempting to pervert the course of justice
15. INDECOM probes fatal shooting at the Olympic Gardens Police Station
16. INDECOM probing fatal shooting in St. James

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